APPENDIX A:

New Source Review (NSR) Program Review Questionnaire
May 14, 2003

Note: This questionnaire does not address implementation of changes made to the major NSR rules in EPA's rulemaking on December 31, 2002.

Program Requirements Common to Both Prevention of Significant Deterioration (PSD) and Nonattainment NSR

Netting

Y ✠ N 1.Is netting approved in your NSR SIP for determining whether modifications at major stationary sources are subject to major NSR (PSD or nonattainment NSR as applicable)? If no, please explain.

Y ✠ N 2.Is your contemporaneous look-back period five years, exactly the same as in the Federal PSD regulations at 40 CFR 52.21. If not, what is the contemporaneous time period for netting in your SIP?

Got to be federally enforceable, made enforceable through permits, when source utilizes to get out of psd they are netting.

Y ✠ N 3.For determining the baseline from which emission reductions are calculated do you require the applicant to submit the actual emissions from the units along with any permit limits that apply?

We ask for actuals but not permits, and we verify, we have permits on file, so yes as well

Y N ✠ 4.Do you allow an applicant to receive emission reduction netting credit for reducing allowable emissions instead of actual emissions? If yes, please explain.

Credits have to be based on actual emission reductions.

Y N ✠ 5.Do you allow an applicant to receive emission reduction credit for reducing any portion of actual emissions that resulted because the source was operating out of compliance?

No credit allowed when operating above rates.

Y N ✠ 6.Do you allow an applicant to receive emission reduction credit for an emissions unit that has not been constructed or operated?

Constructed no, initially operated maybe – see "normal operation"if changed mind, has to be constructed and operating, one exception: if they had increased has to be viewed as a credit. Other half is if it had not assumed normal operation there can be some credit but compared to allowables.

Y ✠ N 7.Are emissions reductions to meet MACT requirements eligible for netting credits? If yes, under what conditions? (See EPA's November 12, 1997 memo from John Seitz entitled "Crediting of Maximum Achievable Control Technology (MACT) Emission Reductions for New Source Review (NSR) Netting and Offsets".)

Assuming the reductions are not required elsewhere or relied upon in a PSD/NSR permit issuance. If you have used reduction, circumstances would be limited.

Y ✠ N 8.When any emissions decreases are claimed as part of a proposed modification, do you require that all stationary, source-wide, creditable and contemporaneous emissions increases and decreases of the pollutant be included in the major NSR applicability determination?

9. To avoid "double counting" of emissions reductions what process do you use to determine if

emissions reductions considered for netting have already been relied on in issuing a major NSR permit for the source?

Review of the major permit's statement of basis. TSD is used as part of the psd review, look at contamp period, look and see if emissions increased identified and would not be considered.

Y ✠ N 10.Do you have a process to track projects that use credits to net out of major NSR? If yes, please explain.

We note whether credits are used in our tracking system for a particular permit. An attribute within our tracking system that says if netting was done.

Y ✠ N 11.Do you require that emissions reductions (e.g., reductions from unit shutdowns) must be enforceable to be creditable for netting? Permit that we issue says the unit must be shutdown within a timeframe.

Y N ✠ 12.Have you had public concerns regarding the netting analysis and procedures used for any issued permits that avoided major NSR? If yes, please describe.

Y N ✠ 13.Do you allow interpollutant trading when netting, e.g., can a source use NOx or PM credits for netting out of VOC increases? If yes, please explain.

14.What process do you have to verify that a source's emissions reductions considered for netting, including emissions reductions that may

have been "banked," are not already used by the source, or another source, as nonattainment NSR offsets ? Please describe.

Review of the generating source's file and statement of basis for other permits where credits have been used. Creating formal tracking system as well. And we are building a system for offsets which says which companies have and are sharing with other facilities and with what projects they are being used. Formally used to be done by hand. Should be up and running by end of year. Won't be a bank.

Routine Maintenance, Repair, and Replacement (RMRR)

Y ✠ N 1.Do you have knowledge of the EPA letter dated May 23, 2000, to Henry Nickel of Hunton & Williams concerning Detroit Edison and the Wisconsin Electric Power Company (WEPCO)case RMRR documents?

2. What other documents do you rely upon when making RMRR exemption determinations? **Other NSR decisions on the Region 7 system, NSR Workshop manual, other DNR decisions. Also, applicablity determination index which handles nsps.**

Y ✠ N 3.Do you have a formal protocol for making RMRR exemption determinations? If yes, describe the protocol.

Permit applicability review of case-by-case situation. Similiar to permit reviews. Go through review process and go through and look through things brought up in number 2.

4.Approximately how many formal RMRR exemption determinations have you made in the last five years? Using any one such determination as an example, describe the example, state the

conclusion you reached, and discuss how you reached the conclusion.

Maybe 30. One right now with WEPCO replacing turbine blade that will be more efficient. We look at what other states have allowed in netting. Budget issues going on. We looked at detroit edison issue. Answer will probably be no. They might get out under applicability test. SENA: replacing valves/seals, and yes under RMRR. Appleton Coated: we thought it was routine but waiting for EPA to make final determination for confirmation. Generally, we follow 4 step process.

Y ✠ N 5.Do you keep documentation of formal RMRR exemption determinations?

Y ✠ N 6.Do you restrict the RMRR exemption to units being modified and exclude replacement of entire units from RMRR exemption consideration?

Y ✠ N 7.Regarding the "purpose" evaluation factor in an RMRR exemption evaluation, do you exclude projects from the RMRR exemption that result in an increase in production capacity?

Usually, however there are isolated situations where like replacement parts can not be obtained and more efficient parts are considered routine replacments. Like wepco as discussed above.

8. Regarding the "frequency" evaluation factor in an RMRR exemption evaluation, do you consider just the history of the specific unit(s) in question, just the history of other similar units at the same facility, just the history of similar units at other facilities in the same industry, or some combination of these histories? **Usually some combination. Looking at difference between psd discussion on rmrr and compare what is in nsps, nsps discuss what is in iudustry and psd doesn't get into that kind of detail.**

9. Regarding the "cost" evaluation factor in an RMRR exemption evaluation, what procedure do you follow to take cost into account? **Companies tell us budget and if it is included and what their costs are compared to industry and their norm and what they typically budget in a typical year, and if it is something they budget and do on a routine basis.**

Y N ✠10. Do you provide RMRR exemption evaluation training to NSR permitting staff employees (other than on-the-job training)? If yes, describe the nature of the training provided.

Not other than on the job training.

Y N ✠11. Do you provide an information outreach program on RMRR exemption evaluations for owners of regulated sources? If yes, how frequently do you provide such information and how do you provide it?

C. Synthetic Minor Limits

Y N ✠ 1. Do you keep a list of synthetic minor sources (i.e., sources that would otherwise be major for NSR but are considered minor because of emissions limits or other limiting conditions in their permits) that is available for review by the public

and EPA ? If yes, please explain how. **However such a list can be created and is available for DNR staff and management. We have it internally but not available to the public, and it can be created within our system if someone asks for it. Noone has ever asked for it.**

2.Describe your formal process for establishing or designating a synthetic minor source. **Determination of potential to emit based upon operational parameters and source requested limits. Limits are then made enforceable as practicable matter in the permit. Permit process includes public comment and providing to epa, permits make limits enforceable.**

Y ✠ N 3.For synthetic minor sources do your permits include enforceable limits to keep the sources minor?

4.How is compliance with the synthetic minor limits tracked over time? Please explain.

Through routine compliance inspections and compliance monitoring reporting provided as condition of operation permit. Compliance monitoring in T5, compliance certifications as well, also source monitoring, inspections and file reviews to ensure.

Y ✠ N 5.Are you satisfied that your tracking activities are sufficient to ensure that sources getting synthetic minor permits to avoid major NSR review

are not actually operating above the applicable major source threshold?

Y N ✠6.Do you include in your synthetic minor permits conditions requiring sources to notify you if and when the major source threshold is reached?

Unless reason to, if they exceed then there is problem, permits don't contain condition to tell us, however, under nsr reform sources using applicability actual to actual, they can exclude changes, then they'll have to tell us it was to low. Coming when we do nsr reform rules.

Y ✠ N 7.Do you perform(or require) modeling for sources seeking synthetic minor permits to determine impacts on PSD increments? **We have one source in hayward, and yes it is considered there.**

Y ✠ N 8.Do you consider visibility issues in Class I areas, if applicable, when reviewing synthetic minor applications?

D. Pollution Control Projects (PCP) Exclusion

Y ✠ N 1. Do you have standard permitting procedures or rules that allow for certain changes at non-utility emissions units to be designated as PCP, which are excluded from major NSR?

Procedures based upon EPA's July 1, 1994 guidance. Our rule is same as pre 2002 rule, where we have allowed for pcp exclusion for utilities and it stopped at that. Most of ones we recieved are utility based although we have gotten paper mills.

2. How many PCP exclusions have been granted for "feed" or "fuel" switches? ***0***
At oak creek, redesigned coal handling, to add ash silo and put in additional baghouses, and we processed it as minor source project.

3. What process do you use to determine if the project is "environmentally beneficial" and not just "economically efficient"?

Usually the project needs to be a part of EPA's list of environmentally beneficial project in the 1994 guidance. Otherwise increase in CO for decrease in NOx has been found to be acceptable. Also, reduction in MACT regulated HAPs found to be OK over increase in other collateral pollutant.

4. How are the collateral emission increases evaluated? Do you require a modeling analysis to demonstrate insignificant impacts from emissions increases? **Through modeling primarily, voc's are not modeled.**

5. How do you handle collateral increases in hazardous air pollutants (HAP)? **Same way as criteria pollutants. We can do risk assesments for haps and take a look at pollutants themselves and compare to state hap rules, and usually those considered less of a problem are better situations than list of carcinogens. Our state hap rules does contain a list of federally regulated haps as well as 300 other haps.**

Y ✠ N 6. Are the emission reduction credits from PCP available for netting or NSR offsets? Please explain.

As long as they are not relied upon in a PSD/NSR permit and as long as they are creditable.

7. Which add-on control devices are most frequently involved in PCP exclusion requests?

Selective Catalytic Reduction and low NOx burners, and are usually these are projects that come in.

8. Which types of industrial sources typically request PCP exclusions from major NSR?

Utilities and paper mills.

Y ✠ N 9. Does your NSR SIP include the PCP exclusion for electric utility steam generating units (often referred to as the WEPCO exclusion)?

E. Fugitive Emissions

1.Please provide your regulatory definition of “fugitive” emissions for major NSR applicability purposes.

NR 400: "Fugitive emission" means an emission from any emission point within a facility other than a flue or stack. NR 405: “those emissions which could not reasonably pass....

Y ✠ N 2.Do you make a distinction between “fugitive” emissions and “uncontrolled” emissions? If so, please explain.

Uncontrolled emissions are not abated when coming out through a stack. Fugitive emissions are not released through a stack. An example of controlling fugitive emissions would be to put a coating of some sort(water) on top of a coal pile.

Y ✠ N 3.Do you include fugitive emissions in major NSR applicability determinations for new sources? For modified sources? Please explain.

Provided the source is in one of the listed categories. For both new and modified if you are in the source categories.

Y ✠ N 4.Do you allow major sources to use reductions in fugitive emissions for netting purposes? If so, please explain, and describe how you determine the fugitive emissions "baseline" used for netting.

As long as the emissions could be quantifiable. No source has attempted to get ERC's for fugitives here. They would have to come up with a way to quantify, and it is always tricky.

5. Please provide a description of your guidelines or calculation methodology used to quantify fugitive emissions.

Not for erc's, but for source categories use emission factors from Ap-42 and if not they get data out of FIRE database. (Coming from ttn, under chi and ef is emisson factors.)

Y ✠ N 6.Do your permits contain conditions for specific emission limits or control methods/work practice standards for fugitive emissions consistent with requirements for BACT?

F. Modeling

Y ✠ N 1.Do you follow EPA's modeling guidelines in 40 CFR Part 51 Appendix W?

Y ✠ N 2.Are deviations from the modeling guidelines in Appendix W subjected to public comment and submitted to the regional EPA office for approval?

Y ✠ N 3.Are minor permit actions (i.e., proposed new and modified minor sources), evaluated to determine if modeling for PSD increments is needed? Under what circumstances is increment modeling triggered for these minor permit actions?

All minor NSR permits are evaluated for increment consumption in counties where the minor source baseline has been set.

Y N ✠4.Do you ask applicants to submit a modeling protocol for approval prior to submitting modeling?

Although it is recommended, sources are required to submit for psd and tell us what protocol they are using, and especially since aermod is close to being approved, so usually ask what protocol although we don't require it.

Y N ✠5.Is the protocol provided to other interested organizations (e.g., EPA, Federal Land Manager)?

Y ✠ N 6.Is the effect of downwash modeled if stacks are less than good engineering practice (GEP)?

Y ✠ N 7.Are modeling analyses available for public review?

Y ✠ N 8.Do you review modeling submittals to determine if option switches are correct?

Y N 9.When off-site meteorological data are used what years are typically used?

When off-site meteorological data is needed, typically mid-1980s data is used. Due to some known instrumentation issues, there are two data sets from the late-1970s. Please refer to our web site for details.

10. How do you train your modeling staff?

Modeling staff are trained in-house by the modeling team leader.

Y ✠ N 11. Do you follow The Air Quality Analysis, Additional Impacts Analysis, and Class I Area Impact Analysis guidance provided in the New Source Review Workshop Manual (Draft October 1990)?

12. For cumulative national ambient air quality standards (NAAQS) and PSD increment compliance assessment:

a. How are the appropriate emission inventories of other sources developed?

For cumulative increment and NAAQS analyses, modeling inventories are developed by hand by modeling staff. The emissions inventory is used to find all sources within the appropriate distance, and then the paper files are consulted to determine if increment is consumed by that source.

b. What are the reasons used to identify and/or eliminate emission sources?

Normally, sources beyond 2-3 km are not considered, unless they are extremely high emitters (power plants or large boilers). By consequence of using the emissions inventory, sources small enough to not report, or those without permits are automatically not considered.

c.How are PSD increment consuming/expanding sources identified and tracked?

Unfortunately, tracking of increment sources is relatively

non-existent. Each time a project goes into an area, the paper files and the inventory is consulted. If a nearby source had a good inventory developed, then that is used.

d. Are mobile sources modeled for increment compliance?
Mobile sources are not modeled for increment compliance.

13. What is the basis (e.g., allowable, maximum or average actual short-term emissions, last two year period, etc.) of the emission rates provided in the NAAQS and PSD increment consuming inventories of other sources?

For the increment and NAAQS analyses, permit allowable (maximum hourly) emissions are used where available. If the source does not have a permit, then the maximum hourly emissions are calculated from the inventory data.

14. How do you ensure that the controlling concentrations reported by the applicant for each pollutant and averaging period were appropriately determined?
Wisconsin verifies the input data, and re-runs all analyses to verify impacts in the application report. Please see the note at the end of the questions of this section.

Y . N .15. Are the impact modeling analyses reviewed to ensure that they are accurate and complete, and that appropriate modeling procedures (e.g., modeled to 100-m resolution, fence line and not

property line, nearest modeled receptors, etc.) were followed?

Wisconsin verifies the input data, and re-runs all analyses to verify impacts in the application report.

Y . N .16. Is complex terrain an issue in your region? What modeling procedures are used to address impacts in complex terrain?

We did terrain analysis for Madison Kipp, and for Wauapaca foundry.

Y . N .17. Are pollutants without NAAQS and/or PSD increments addressed in the air quality impact assessments? What threshold concentrations (e.g., acceptable ambient concentrations) are used to evaluate impacts?

Wisconsin still has a TSP standard within the code (NR 415) and also has a state only toxic pollutant rule (NR 445). If pollutants of this type are identified as being emitted, an air quality impact analysis is performed. All applicable air quality standards are listed in the respective codes.

Y . N .18. Do you have written agency-specific air quality modeling guidance for use by applicants? If yes, has the guidance been provided to other concerned organizations (e.g., regional EPA, appropriate FLM, etc.) for review and comment? **No** Is your guidance available on the internet? **Yes**

19. How do you determine the appropriateness of proposed meteorological data for an application? When are “on-site” meteorological data required for an application? Are “on-site” meteorological data validated and accepted if recovery is less than 90 percent?

The appropriateness of meteorological data is determined by DNR meteorologists. Since Wisconsin is a relatively flat state, the distance from the airport and the general land use is compared. On-site data has not been submitted to Wisconsin since 1981, again due to theflatness of the state. I cannot state for sure, but there may be cases where data recovery would be less than 90% and the data accepted.

20. When an applicant’s air quality modeling reveals NAAQS and/or PSD increment violations, what is required to grant the permit and how are the violations resolved?
A solution must be found for the modeled violation and that solution is made enforceable through the permit.

Y ✠ N 21. Do your regulations include the federal definition of ambient air? If no, what is your definition of ambient air?

See NR 400

22. Discuss your procedures for modeling “hot spots,” including minimum receptor spacing?

For analyses in the state (see note after the questions) receptors are placed no greater than 25 meters apart in the area of highest concentration. The USEPA definition of ambient air is applied, such that if there is no fence or barrier, receptors are placed right next to buildings and the model calculates impacts where and when it can. Since this is done a standard practice, there is no specific "hot spot" analyses.

23. How do you determine if background air quality data are representative?

Regional background air quality is reviewed and updated every three years. Each county is assigned a value based on the representativeness of the monitoring location as compared to the county. This is a subjective process, but basically the industrial similarity of the county to the monitor is considered first, then distance to monitor. If a county is across the state from the monitor, but has the same type and amount of industry and transportation infrastructure, the monitor value is still considered representative for that county.

24. Do you use the same NAD for stack, receptor, and building UTM coordinates?

When UTM coordinates are used, all data is projected into the same NAD, typically NAD83.

NOTE: Wisconsin models the following types of permits: {Major PSD, Minor NSR both with and without increment, Title V permits including Part-70, non-Part-70 and FESOP, all permit renewals, and NR 445 compliance modeling}. Only the Major PSD sources have to submit modeling. All other permits are modeled in-house by DNR staff, using the paper copies of the plot plans and permit applications, electronic aerial photos and topo maps, and the paper copies in our files from previous modeling to set up the analysis. In addition, since we still carry the TSP standard, most permit limits written as "Particulate Matter" are essentially set using the TSP impact since PM10 is a subset of TSP.

G. Stationary Source Determinations

Y N ✠ 1.Do your SIP-approved rules define stationary source differently than 40 CFR 51.165 or 51.166? If yes, please explain.

See NR 405 before NSR reform....

Y ✠ N 2.When determining if emissions units are contiguous or adjacent, do you assess whether emissions units under common ownership or control may be a single stationary source regardless of the distance between the emissions units? Please explain.

Example: Fox river feed. An applicability determination recently made by Region 5.

Y ✠ N 3.Do you assess facilities' financial, personnel, and contractual relationships to determine common ownership or control?

Y ✠ N 4.Do you assess whether sources with different first two-digit SIC codes (i.e., emissions units not in the same industrial grouping) may qualify as separate stationary sources?

H. Debottlenecking and Increased Utilization

Y ✠ N 1.When determining if proposed modifications are subject to major NSR, do you include emissions increases from existing emissions units that are not physically modified(i.e., units that will be debottlenecked or have increased utilization such as boilers)?

2.What method is used to determine the emissions increase from these emissions units? What EPA guidance do you consider for this issue?

Future Potential to past actual. EPA letter to Lloyd Eagan regarding debottlenecking of power boilers. Will be actual to actual after nsr reform rules...Many EPA Region 5 decisions made on similiar issues.

Y ✠ N 3.Do you train your permitting staff to include such emissions increases when determining if a modification is major for NSR?

I. Relaxation of Limits Taken To Avoid Major NSR

1.Describe your knowledge of the “relaxation” regulatory provisions of 40 CFR 51.165(a)(5)(ii), 51.166(r)(2), and 52.21(r)(4). **When source wants to relax limits, determination is made based on current circumstances compared versus previous construction limits and regulations; example being Bombardier which was deemed a major source and could only relax if taking conditions prior to original construction into account, which would trigger psd.**

2.What types of changes do you consider potentially subject to relaxation assessments?

Changes considered increases include changes in; production rates, hours of operation, emission limits.

Y ✠ N 3.Do you have a written policy on relaxation assessments?

4.Approximately how many relaxation assessments have you made in the last five years?

About 2 or 3 in the last year. The 1 hr standard has been replaced with the 8 hr standard for Ozone, changing the non-attainment area from severe to moderate, and has caused facilities to question if limits can be relaxed. The r4 provision may apply in these cases.

Y ✠ N 5.Do you include specific permit limits and conditions to make potential future relaxation possibilities more identifiable? **We also footnote condition as a limit that they are avoiding psd...**

6.What is your understanding of the appropriate circumstances under which an existing minor source is allowed a 100/250-tons-per-year emissions increase without triggering relaxation provisions?

The approach is referred to as one time doubling. Under this, a minor source may undergo a modification that does not exceed 100/250 tons per year. If the modification results in the source then being classified as a major source, then future projects are evaluated against significant thresholds. In addition, major sources may not cap emissions at 99/249 tons and then invoke a 100/250 ton project.

Y N ✠7.Do you provide relaxation evaluation training to NSR permitting staff employees (other than on-the-job training)? If yes, describe the nature of the training provided. **Not other than on the job.**

J. Circumvention/Aggregation Issues

Y N ✠1.When you review a modification to determine if it is major for NSR, do you consider aggregating prior minor emissions increases at the stationary source?

Unrelated projects are not aggregated. The only exception is when netting or if the source is located in a severe ozone nonattainment area. If they are close projects (over 1 or 2 years is ok) under 1 year or if in severe ozone, then it is considered.

2.Please provide any criteria you may use to determine if a series of minor modifications or projects needs to be aggregated for NSR applicability purposes?

How things are budgeted, how they are planned.., all specifically in internal guidance document (a protocol followed by WI for minor mods (PSD) and modifications at minor sources.

Y ✠ N 3.When requests are made to permit new or modified emissions units as separate minor changes over time, do you evaluate whether the permitting process is purposely staged as minor when the changes are really one permitting action subject to major NSR?

II. Prevention of Significant Deterioration (PSD)

Note: The PSD program implements part C of Title I of the Clean Air Act for new or modified major stationary sources.

A. Program Benefits Quantification

Y ✠ N 1.In your opinion, is the PSD program an incentive to reduce emissions below major source levels?

Y N ✠2.In your opinion, have PSD permits been used as the authority to implement other priorities such as toxic emission reductions and improved monitoring and reporting?

Y ✠ N 3.In your opinion, does the case-by-case nature of a PSD permit allow you to implement emission reducing programs or controls more quickly than rulemaking?

Yes, as example boilers in NSPS, and BACT gets more emission reducing....

Y ✠ N 4.In your opinion, does the PSD program provide communities a mechanism to be involved in improving their own air quality?

Y ✠ N 5.In your opinion, has the PSD program contributed to sustaining good air quality?

B. Best Available Control Technology (BACT)

Y ✠ N 1.Do you require permit applicants to use the "top-down" method for determining BACT? If no, what approach do you require?

Y ✠ N 2.Do you commonly use information resources other than the RACT/BACT/LAER Clearinghouse to identify control options, costs, etc.? If yes, what resources do you commonly use and rate the usefulness of each one?

Vendor guarantees, seminars, workshops, trade journals, other states, coal workgroups, and other resources that don't redefine project. EPA Regional offices.

Y ✠ N 3.Do you provide a detailed documentation/explanation of draft BACT determinations in the public record?

Y ✠ N 4.In your public record for draft BACT determinations, do you provide an economic rationale if a BACT option is rejected as being prohibitively expensive?

5.What procedures do you use to calculate baseline emission rates for calculation of cost effectiveness values? What do you view as “uncontrolled” emissions?

For baseline, use more stringent such as nsps, we won’t look at uncontrolled rate if nsps requires not looking at uncontrolled. Ex: GE CT’s come with lo nox with 9 ppm, and that would be baseline, and add on controls would be beyond 9ppm

Y ✠ N 6.Do you consider combinations of controls when identifying and ranking BACT options (e.g., low organic solvent coatings plus thermal oxidation)?

Pollution prevention plus controls.

Y ✠ N 7.Do you ever re-group the emissions units included in a cost evaluation? For example, if an applicant’s approach is to evaluate the cost of controlling each unit separately, do you ever consider combining units for control by one control device? Conversely, if an applicant combines all units for control by one control device and concludes this approach is too expensive, do you ever consider controlling individual units or a small group of units that have the greatest percentage of total emissions?

Yes to all, example being a plant using one thermal oxidizer and venting many lines to it.

Y ✠ N 8.Do your PSD permits specify emissions limits and control methods consistent with the basis (and capabilities) of the selected BACT options?

9.How do you establish the compliance averaging times for BACT emissions limits?

Applicant usually proposes....start up shutdown sometimes taken out, or longer rate..two NOx limits annual and a thirty day average. Monthly and yearly allowed a very low NOx emission rate,.. But it is all case by case.

Y ✠ N 10.Do you make sure that permit conditions impose restrictions consistent with BACT evaluation assumptions? For example, if the annual emissions used in a BACT cost evaluation are based on an assumption of less than continuous operation and/or operation at less than maximum capacity, do permit conditions contain limits based on the assumption used? **When someone costs out, we establish cap on emissions..**

For questions 11-16 regarding BACT cost evaluations:

Y ✠ N 11.Do you allow deviation from EPA's recommended cost evaluation procedures? If yes, please explain. **BACT is case-by-case and if the source can justify a procedure other than that of EPA's cost evaluation procedures, we will entertain that request. We look at manual for OAQPS.**

12.Do you place primary reliance on total or incremental cost effectiveness values? If you give greatest (or equal) weight to incremental costs, what is your basis for doing so?

Total cost

Y N 13.Do you place primary reliance on a comparative cost approach or a “bright line” test?

More of a bright line test.

Y ✠ N 14.If you place greatest importance on a comparative cost approach, do you try to obtain cost data for projects outside your permitting jurisdiction?

Y N 15.If you use what can be described as a “bright line” test, what is the basis of your “bright line” cost effectiveness value and do you change the value over time to account for inflation?

Levels that have been approved or demonstrated to be feasible within our state, or other states, or by EPA.

Y ✠ N 16.Do you use a different cost approach for different pollutants? If yes, please explain.

Only for mercury, sulfuric acid mist and lead where the significant thresholds are much lower. Since lead and mercury have different thresholds..sulfuric acid mist, we look at dollar per ton for SO2.Like for HAPS we look at cost of controlling VOCs.

17.Under what circumstances do you conduct a BACT cost evaluation independent of the cost evaluation provided by the applicant? (An independent evaluation could entail obtaining additional vendor quotes.)

We don’t do on our own, the facility is responsible for the five step process.

Y N ✠18.Are cost estimates required to be referenced to a common baseyear (e.g., 1998) so that cost estimates can be easily compared?

Y ✠ N 19.Are other agencies contacted to determine if their cost estimates need to be normalized before comparisons can be made?

Y ✠ N 20.Do you perform a BACT assessment for all new/modified emissions units or activities emitting a pollutant subject to PSD review no matter how small the emissions from an affected unit or activity?

Example a utility with a generator we do bact on as well no matter how small the emissions.

Y ✠ N 21.Do you consider increases or decreases in corollary toxic/hazardous air pollutants as part of a BACT evaluation? [This question addresses implementation of EPA's "North County Resource Recovery Remand" memo dated September 22, 1987.] If yes, please give a specific example.

SCR and ammonia slip and it is regulated under our state hap rule. Example includes formaldeyhde formation regulation under hap rules that can be created in a thermal oxidizer.

Y ✠ N 22.Do you provide BACT evaluation training to new (or newly-assigned) new source review (NSR) permitting staff (other than on-the-job training)? If yes, describe the nature of the training provided.

We have sent them to a consulting group to RTP to train on nsr. Since we don't have turnover on psd side it is not neccessary.

Y ✠ N 23.Do you provide BACT evaluation refresher training to experienced NSR permitting staff? If yes, how frequently do you provide this training and what is the nature of the training provided?

First time when some of our staff were sent to RTP where Gary McCutchen holds an NSR workshop.

Y N ✠ 24.Do you provide an information outreach program on BACT evaluations for owners of regulated sources? If yes, how frequently do you provide such information and how do you provide it?

Y N ✠ 25.Do you provide an information outreach program on BACT evaluations to the public? If yes, how frequently do you provide such information and how do you provide it?

Y ✠ N 26.Do you enter each BACT in the RACT/BACT/LAER Clearinghouse? **Bob blaszczak had a training recently online that we had our employees attend. After a psd permit is placed on my desk, I make sure that reviewers log it into RBLC website.**

Y N ✠ 27.Before establishing BACT as work practice, design, or operational standards do you determine that emissions limits (e.g., lbs/mmBTU, lbs/hr) are not feasible? If no, please explain.

We determine that other control options are not feasible. Work practice requirements are used in support of BACT emission limits. See definition of BACT. We make sure emission limit is in place, then the work practice is implemente consistent with BACT.

Y ✠ N 28.Do you apply BACT to fugitive emissions? If no, please explain.

C. Class I Area Protection For PSD Sources

1.How do you determine which proposed projects need a Class I impacts analysis, including consideration of distance of the source from Class I areas (e.g., maximum distance criteria)? Please explain.

Those that are either located within a Class I area or those that will impact a Class I area per modeling results. 100km considered.

Y ✠ N 2.For new or modified sources within 10 kilometers of Class I areas do you require sources to submit an impact analysis for all pollutants to determine if any have impacts greater than 1 ug/m^3?

They are, but we have no sources that fit that criteria.

Y ✠ N 3.Do you require applicants to submit a Class I increment analysis for each pollutant subject to PSD review for which an increment exists?

Y ✠ N 4.Do you require applicants to identify and provide a cumulative impacts analysis (maximum impact within Class I areas) for all Class I areas impacted by the source?

Y ✠ N 5.Do you have a formal procedure for notifying Federal Land Managers (FLMs)? If yes, please explain.

We have recently established a process where FLMs will be notified when there is a PSD project within 200 kilometers.

Y N ✠ 6.Do your permitting procedures require the applicants to notify Federal Land Managers? If yes, please explain.

Y ✠ N 7. Is there communication, consultation, and discussion between you and FLMs? If yes, to what extent(e.g, high, moderate, minimal).

Minimal. We are also in contact with the U.S. Park Service in Colorado.

Y ✠ N 8. Is there communication, consultation, and discussion between the applicant and FLMs? If yes, to what extent (e.g., high, moderate, minimal)?

The FLMs will be notified by the applicant when there is a PSD project that will take place.

Y N ✠ 9. Do you actively seek input from FLMs during the permitting process?

Y ✠ N 10. Is the applicant required to address potential adverse impacts on air quality related values (AQRVs) that are identified by the FLM during the notification process?

Y N ✠ 11. Do you require prior approval of Class I area impact analysis procedures that applicants plan to use?

Same as modeling protocol, they are welcomed to ask us, but not required.

Y ✠ N 12.Do you require applicants to perform a visibility analysis for Class I areas?
N/A but yes.

Y ✠ N 13. If a visibility impairment is indicated, do you require the applicant to notify the appropriate FLM for the Class I area?
N/A but yes.

Y ✠ N 14. Is the applicant required to address potential effects on scenic vistas associated with Class I areas that may have been identified by the FLM during the notification process? **N/ but yes**

Y ✠ N 15. Do you have a formal process for handling Class I area increment violations if predicted?
N/A but yes.

Y N ✠ 16. Have you issued PSD permits where the FLM objected? If yes, please explain and identify the projects.

D. Additional Impacts -Soils, Vegetation, Visibility, Growth

Y N ✠ 1.Do your PSD application forms specifically require information regarding additional impacts?
No but it is required as part of supplemental and it is included in their narrative. Addressed in pd.

If yes, include a copy of the forms.

Y ✠ N 2.If no, do you require applicants to submit sufficient information necessary to complete an additional impact analysis?

3. What resources do you use for researching additional impacts?

Primarily rely on applicant's submittal and our own modeling results, and impacts outside the air program, and our environmental assessment impact as well.

Y N 4.Do you include environmental justice issues in your analysis?

No, but it comes up in T5 and in madison kipp came up regarding T5.

Y N ✠ 5.Has an additional impact analysis in the last 5 years been a cause for concern in an issuance of a PSD permit? If yes, please explain.

Y ✠ N 6.Do you generally allow arguments that the protection of the NAAQS will assure protection of vegetation? If yes, please explain.

Y ✠ N 7.Do you require that predicted short-term impacts (e.g, one hour NOx impacts)be used to assess impacts on vegetation for pollutants which do not have short term ambient standards? If no, please explain.

Primarily by dealing with NOx impacts and protecting NAAQS.

Y ✠ N 8.Regarding visibility impacts, do you require assessments for vistas (e.g., parks, airports) near

the proposed source or modification? If no, please explain.

Yes, but no projects have ever impacted any vistas.

E. Preconstruction Monitoring

Y N ✠ 1.Do you have formal preconstruction monitoring requirements?

We have in rules but not revoked cause sources show within own monitoring network, so not required.

Y N ✠ 2.Do you have a formal public participation process regarding requirements for preconstruction monitoring for specific proposed projects?

Y N ✠ 3.Have you ever consulted with FLM regarding preconstruction monitoring requirements for a proposed source or modification?

Y N ✠ 4.In the last five years have you ever required an applicant applying for a PSD permit to conduct preconstruction ambient monitoring or meteorological monitoring?

Y N ✠ 5.Do you have a formal approval/denial process at the conclusion of preconstruction monitoring?

Y N ✠ 6. Do you have a formal process during preconstruction monitoring for resolving conflicts between the FLM and the applicant? If yes, please explain.

Y ✠ N 7. Do you routinely provide ambient monitoring data in lieu of requiring applicants to perform preconstruction monitoring? If yes, please briefly describe the monitoring network used and the basis for the monitoring value selected.

Background concentrations exist for all areas of state and plug that baseline into all models that we run.

Y ✠ N 8. Do you follow EPA guidance (e.g., siting, equipment, data validation, audits) regarding collection of preconstruction monitoring data? **Done in consultation with EPA. When required, it would be used....companies have been able to use existing monitoring to represent existing preconstruction monitoring data.**

9. Under what circumstances would you require post construction ambient monitoring as a condition of a PSD permit? **If model showed exceedance of NAAQS...we require receptors in place and run monitors.**

F. Increment Tracking Procedures

1.What method do you use to assign baseline dates, e.g., county-specific, region-specific, or entire state? **Counties are used for our baseline.**

Y ✠ N 2.Do you have a list of the minor source baseline dates for each area? **Yes we do, it is available on our website and maps, tables are available.**

Y ✠ N 3.Do you have an understanding of receptor location dependence vs. source location dependence for increment tracking? **Yes we do.**

4.Do you have a formal or informal program for increment tracking? **The program is informal, which will be formal in the future after permit streamlining.**

Y N ✠ 5.Do you maintain and update a computerized emission source database for increment tracking that includes minor sources that affect increment? If yes, does the database include the information needed for modeling (e.g., source locations, stack parameters, emissions)?

No, when inventory, modeler would compile the spreadsheet manually.

6.Do you use allowable or actual emissions for increment tracking purposes? If actual emissions, how do you calculate emissions for each averaging period covered by the increments? **Allowable emissions are used.**

Y N ✠ 7.Are area sources included in increment tracking analyses, e.g., growth-related and transportation-related emissions? **For increment tracking analyses, area sources are not included.**

8.How frequently is increment consumption evaluated - on a scheduled basis or just when occasioned by a new permit application?

When occasioned by a new permit application.

9.How "transparent" (i.e., understandable) is the emission source inventory used for PSD modeling? Could an outside reviewer (such as a member of the public) clearly identify the sources included (e.g., name, location, stack parameters) and the sources excluded in a modeling analysis?

Tables are available for public to view when coming here. The table identifies the facilities and all the relevant parameters for modeling. Emission sources excluded are also identified.

10.How do you handle interstate increment tracking (for state reviewing authorities) or interjurisdiction tracking (for local reviewing authorities), including consistency of tracking across jurisdiction boundaries?

Case by case on an informal basis, whenever there is a source on the border, communications is done on a as needed basis.

11.What procedure do you follow in planning for and incorporating new modeling tools? **Like AERMOD...we'd create a memo with a transition plan and pass to Air Management Team for approval, which then becomes guidance.**

Y N ✠ 12.Do you provide increment tracking training to NSR permitting staff (other than on-the-job training)? If yes, describe the nature of the training provided.

No, modelers handle increment tracking. The stationary source modeling team is part of the permit staff.

G. Endangered Species Act (ESA)

Y ✠ N 1.Do you have a PSD program that is fully approved by EPA (i.e., SIP-approved? **YES, none others in this section apply, no ESA.**

Y N ✠ 2.Do you have a fully or partially-delegated PSD program? (Note: ESA obligations apply only when all or portions of a PSD program have been delegated.) If yes, answer questions 3 through 6 below.

Y N ✠ 3.Do you notify PSD permit applicants of their ESA obligations? If so, please provide a copy or description of your notice.

Y N ✠ 4.Do you know the difference between a formal vs. an informal consultation process?

Y N ✠ 5.Do you advise applicants, concerning their ESA obligations, to consult with a.) EPA; b.) The U.S. Fish and Wildlife Service; and/or c.) Federal Land Manager? If yes, please explain, and describe what information you provide to applicants concerning their ESA obligations.

Y N ✠ 6.Does an ESA consultation affect the timing of your issuance of a proposed or final PSD permit? If yes, please explain.

III. Nonattainment NSR

A. Program Benefits

Y ✠ N 1.In your opinion, is the nonattainment NSR program an incentive to reduce emissions below major source levels?

Y N ✠2.In your opinion, have nonattainment NSR permits been used as the authority to implement other priorities such as toxic emission reduction and improved monitoring and reporting?

Y ✠ N 3.In your opinion, does the case-by-case nature of a nonattainment NSR permit allow you to implement emission reducing programs or controls more quickly than rulemaking?

Y ✠ N 4.In your opinion, does the nonattainment NSR program provide communities a mechanism to be involved in improving their own air quality?

Same mechanisms for NANSR as for NSR exist; public comment and opportunities for public hearings.

Y ✠ N 5.In your opinion, have the nonattainment NSR requirements contributed to reducing emissions or avoiding emissions increases in nonattainment areas?

B. NSR Offsets

Y N ✠ 1.Do you have an emissions "bank" for offsets? If no, go directly to 10.

Y N 2.Is the bank a database used for emissions trading? Please explain how the trading works. **N/A**

Y N 3.Do you, as the reviewing authority, control the trading of credits in the "bank"? If no, who controls the trading?

N/A

Y N 4.Are the credits certified "creditable" (including surplus for attainment planning purposes and other Clean Air Act requirements) by you at time of entry into the bank?

N/A

Y N 5.Are the credits evaluated and certified "creditable" (including currently surplus) at the time of withdrawal and use? If no please explain.

N/A

6. How long are the “offsets” valid from time of reduction? **N/A**

Y N 7. Are the banked credits included in the attainment demonstration and inventory as “real emissions” (i.e., emissions being emitted into the air)? **N/A**

Y N 8. Are the banked credits used for NSR offsets only? If no, what are the other uses? **N/A**

Y N 9. Are the banked credits discounted with time? If yes, please explain the discounting procedures. **N/A**

10. How do you determine that the reductions being used are properly included in the attainment demonstration?

They are post baseline, we don’t have any reductions to use after baseline. Compare to RACT to make sure that it didn’t force reduction. RACT that forces it prompts us to count it.

Y N ✠ 11. Are the emissions reductions available for NSR offsets only allowed from the same nonattainment area as the proposed source or modification? If no, please explain.

If the nonattainment is downwind and of a more severe classification, then they could be used.

12. What procedures do you use to determine the baseline to quantify the reductions? How do you quantify the amount of creditable reduction? **Under 1 hour, baseline set in '92, 2 yr actual period and whatever additional limits taken below it, and emissions between are reductions, for source emitting 100 in 92, starting point at reduction is lesser or baseline in 92. Only caveat is if source came in for nsr permit. Source would've had to offset 1.3 to 1. Now area moderate so 1.15 to 1.**

Y ✠ N 13. Are the records for determining actual emissions available for review by you? **Submit to us, plus we compare to our annual emissions inventories.**

Y ✠ N 14. Are copies of permits required as part of the permit application to determine if the reductions from other sources being proposed as NSR offsets are federally enforceable? **Yes, but they have to identify which permits are available for the offsets..which source and which permit...so as to make sure credits are not being used twice.**

15.How do you verify that the reductions proposed for NSR offsets are "surplus" to other Act requirements and are "real," i.e., reductions in emissions that were actually emitted into the air? **Starting point has to be lesser of actual emissions or baseline date which was established in '92. Looking at source category as well and compare to any RACT requirements that forced reductions.**

16. What process do you use to verify that the reductions were not used in a previously issued permit? **Same as netting, we go back and evaluate permits used to generate those credits and we look at our tracking and note offsets used and reviewing our own files (tsd).**

Y N ✠ 17. Do you allow interpollutant trading for NSR offsets? If yes, please describe this trading procedure (e.g., pollutants allowed, ratio of reductions required, eligibility criteria, etc.).

Y ✠ N 18. For serious and severe ozone nonattainment areas do you allow "internal offsets" instead of lowest achievable emissions rate (LAER)? What is the offset ratio? ***1.3 to 1*** **in severe nonattainment area.**

Y N ✠ 19. Do you allow credits used for netting to be used as nonattainment NSR offsets? **As soon as netting credit is used for offsetting purposes it is no longer a creditable decrease.**

Y ✠ N 20. Do your nonattainment NSR rules require the offset ratios prescribed in the Clean Air Act? If no, please explain what other ratios are used?

Y N ✠ 21. Do you require that applicants proposing to use NSR offsets include a "net air quality benefit" modeling analysis as part of their permit application? If yes, please describe what information is required. **WI nonattainment area is for ozone, the offset itself is the net air quality benefit. VOC doesn't require a model.**

C. LAER Determinations

Y ✠ N 1.Do you require permit applicants to use a top-down approach to determine the most stringent control option available for LAER? If no, what approach do you require?

Y N ✠ 2.Do you require a permit applicant to identify all available control options? If yes, do you require the applicant to identify control options as being:

If the most restrictive is being proposed, then additional technologies need not be identified in the application.

Y ✠ N a.Achieved in practice?

Y ✠ N b.Contained within the SIP of any other state or local reviewing authority?

Y ✠ N c.Technologically feasible?

Y N ✠ d.Cost effective?

Y ✠ N 3.Do you use information sources other than the RACT/BACT/LAER Clearinghouse to identify control options? If yes, what information sources do you commonly use and rate the usefulness of each?

4.Please describe under what circumstances you would conduct a LAER analysis independent of the analysis conducted by the permit applicant.

Additional questions are asked of applicant, and if we feel that there are other technologies that are feasible and they don't then we don't approve permit.

Y ✠ N 5.Do you submit your LAER determinations to the EPA's RACT/BACT/LAER Clearinghouse? **Same as for PSD; see above.**

Y ✠ N 6.Do you consider technology transfer in your LAER determinations?

7.If you consider cost effectiveness in LAER determinations, please describe the procedures used. (For example, describe the procedures used to calculate the baseline emission rate in the cost effectiveness determination.) For each criteria pollutant, provide the dollar/ton threshold used to determine whether a control option is cost effective (and state whether this is total or incremental cost). **Has not been used, but if so same approach as PSD program.**

Y N 8.Do you use a different cost approach for different pollutants? If yes, please explain. **N/A but same issue with lead or mercury, different cost approach surrogate.**

Y ✠ N 9.Do you provide detailed documentation or explanations of proposed LAER determinations in the technical support document (TSD) or public record?

Y ✠ N 10.Do you provide an economic rationale in the TSD or public record if a LAER option is rejected as being prohibitively expensive? **Generally N/A, but yes if we were to reject control technology.**

Y ✠ N 11.Do you consider combinations of controls when identifying and ranking LAER options?

Y ✠ N 12.Do you perform a LAER assessment for all new/modified emission units or activities emitting a nonattainment pollutant subject to major NSR review no matter how small the emissions from an affected unit or activity?

Y X N 13.Does your LAER analysis include "time of" considerations? (For example, if a new or modified source had constructed without a permit and at a later time went through nonattainment NSR review, would you consider LAER at the time of permit issuance or at the time of emission unit construction/ modification?) **Time of permit issuance tied to definition of "commence of construction"**

Y ✠ N 14.Do your permits contain conditions requiring specific emission limits/ control method conditions/work practice standards consistent with the basis (and capabilities) of the selected LAER option?

15.Please describe how you establish compliance averaging times for LAER emission limits. **Same as answer for PSD above.**

Y ✠ N 16.Do your permits contain conditions requiring emissions testing, monitoring, recordkeeping, and reporting so that inspectors and enforcement personnel can easily determine compliance with LAER requirements? If no, please explain.

Y ✠ N 17.Do you ensure that permit conditions impose restrictions consistent with the LAER determination? (For example, if emissions used in the LAER determination are based on an assumption of less than continuous operation and/or operation at less than maximum capacity, do permit

conditions contain limits or restrictions based on the assumptions used?)

18.Please describe how you incorporate public comments into your LAER determinations. **Public comment period, and if public pointed out technology we didn't consider, it would be required to be put into analysis and if determined feasible it would have to be used.**

Y ✠ N 19.Do you provide LAER evaluation training to new (or newly-assigned) NSR permitting staff other than on-the-job training? If yes, please describe the nature of the training provided. **Same as BACT courses discussed above.**

Y ✠ N 20.Do you provide LAER evaluation refresher training to experienced NSR permitting staff? If yes, how frequently do you provide this training and what is the nature of the training provided? **Same as above, see above. Training are always considered, but always have to take account our budget issues.**

Y N ✠ 21.Do you provide an information outreach program on LAER evaluations for owners or operators of regulated sources? If yes, how frequently do you provide such information and how do you provide it?

Y N ✠ 22.Do you provide an information outreach program on LAER evaluations to the general public? If yes, how frequently do you provide such information and how do you provide it?

D. Alternatives Analysis

Y ✠ N 1.Does each nonattainment NSR permit action address the alternatives analysis as required by section 173(a)(5) of the Clean Air Act?

Y ✠ N 2.Is this alternatives analysis a specific requirement of your nonattainment NSR rules?

Y N ✠ 3.Do you have criteria that would address the depth of analysis required for a specific project? **Region 5 specified in letter to IN (1hr to 8hr)(to Janet Mcabe '03-'04) , that there is no specific criteria.**

Y N 4.Do you include project-specific environmental justice issues that are raised as part of this analysis?**More of T5, in this case. Nothing else here except for Milwaukee areas.**

Y N ✠ 5.Do you know of any projects where this analysis resulted in changes to proposed projects? If yes, what changes resulted?

E. Compliance of Other Major Sources in the State

Y ✠ N 1.Do you require the permit applicant to demonstrate that all major stationary sources owned or operated by the applicant in your State are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards? **We contact other offices to confirm that there are no other compliance issues in other areas for the same facilites.**

2.Please describe - a) the criteria used by an applicant in a statewide compliance demonstration, and b) when in

the permitting process you require the applicant to make the statewide compliance demonstration. **They make a statement and we certify it, (they are certifying truth and accuracy). Applicant is required once they submit application and it is not considered complete until statement is made.**

IV. Minor NSR Programs

A. NAAQS/INCREMENT Protection

Y ✠ N 1.Do you use modeling to assure that minor sources and minor modifications will not violate the NAAQS?

Y ✠ N 2.As a result of modeling are air quality monitors required for some sources as a permit condition?**Occasionally, when the modeling predicts a violation, and it will be based on the model.**

Y ✠ N 3.For the pollutants with PSD increments established do you have a list of areas where the minor source baseline has been triggered?

Y ✠ N 4.Do you model minor sources for PSD increments if the minor source baseline is triggered?

Y ✠ N 5.Do you have procedures in place to identify minor sources that consume or expand PSD increment?

6.How does the public access a list of sources that affect PSD increments? **An increment anaylsis is included, so a modeling analysis speaks to that. Within review of documents they have access to increment analysis.**

B. Control Requirements

Y N ✠ 1.Does your SIP require any level of control for emissions units not subject to major NSR requirements (e.g., BACT or LAER)? For example, do you have a BACT or similar requirement for minor modifications? **No rule for criteria pollutants.**

Y ✠ N 2.Are there any monitoring or reporting requirements for minor sources?

Y ✠ N 3.Does the application or permitting process require modeling for minor sources? **The permitting process does but application does not.**

Y ✠ N 4.Do you require minor sources with Federally applicable permit limits for MACT, NSPS, or NESHAP to report compliance? **Similiar to T5 program there is a requirement. FESOPs and natural minor permit program have annual compliance reports.**

C. Tracking Synthetic Minor NSR Permits

Y ✠ N 1.Do you have records listing sources permitted as synthetic minors?If yes, how is this list updated? **With each permit we issue. Each permit has its own tracking within our system and each permit is tracked.**

Y ✠ N 2.Do you have an established procedure for tracking synthetic minor permits? **Same as above, tracking being done with check boxes.**

Y N 3.Do you include “prompt deviation” reporting requirements in synthetic minor source permits? If yes, how do you define “prompt deviation”? **See T5 report.**

Y ✠ N 4.Do permit applications your agency reviews, and permits issued identify the requirements (e.g.,

PSD, nonattainment NSR, Title V, NESHAP) being avoided by keeping the source minor?

There are limits footnoted at the bottom of these permits.

V. Public Participation

A. Public Notification

1. What criteria are used to determine if a permit is public noticed?

Y ✠ N Are new nonattainment NSR and PSD permits noticed?
Y ✠ N Are major modifications noticed?
Y ✠ N Are synthetic minor permits noticed?
Y ✠ N Are netting permits noticed?
Y ✠ N Are minor permits noticed?

Other?

Y ✠ N 2.Do you publish notices on proposed NSR permits in a newspaper of general circulation?

Y ✠ N 3.Do you use a state or other publication designed to give general public notice? If yes, please describe.

Our website is used to publish in as well.

Y N ✠ 4.Do you have procedures for notifying the public when major NSR permit applications are received?

Y ✠ N 5.Have you developed a mailing list of interested parties for NSR permit actions [e.g., public officials, concerned environmentalists, citizens]? If yes, how does one get on the list?

They ask to be on the list.

Y ✠ N 6.Aside from methods described above, do you use other means for public notification? If yes, what are they (e.g., post notices on your webpage, email)?

DNR website.

Y ✠ N 7.Do your public notices clearly state when the public comment period begins and ends?

8.What is your opinion on the most effective ways to provide public notice?

News releases, emails, webposting.

Y N ✠ 9.Do you provide notices in languages besides English?

Y ✠ N 10.Have you ever been asked by the public to extend a public comment period? If yes, did you grant the extension?If no, please explain? **Yes extension was granted.**

11. What approximate percentage of your major NSR permits are revised due to public comments? **Less than 10% are revised due to the comments.**

12. If a draft permit is revised, what criteria do you use to determine if a permit should be re-issued in draft? **If changes require a significant revision under T5 program.**

13. What type of comments or other concerns trigger a public hearing?

Any comments that were submitted from anyone who requested a public hearing.

14. How are public hearings noticed? How much notice is given? **Same kind as public notice for permit. 10 days notice is given, if it is also a part 70 permit concurrently 30 days is given.**

15.What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, monitoring reports) especially during the public comment period? **In public notice, it specifies, but mostly by coming to our office, through the website, and going to the library.**

Y ✠ N 16.Do you have a website for the public to get permit-related documents? What is available online? How often is the website updated? Is there information on how the public can be involved? **Updated twice a week. Pd, permit, cover letters, information request are online. Not other than what is in public notice.**

Y N ✠17.Do you provide training to citizens on public participation or on NSR? If yes, approximately how many training opportunities have been provided in the last five years.

18.How do you notify affected States (including tribes and Canada) of draft permits? **If they are within 50 miles, they get a document by mail.**

Y ✠ N 19.Do public notices for PSD permits specifically state the amount of increment consumed?

Y ✠ N 20.Are public notices for PSD permits sent to each party identified in 40 CFR 51.166(q)(2)(iv)?

B. Environmental Justice (EJ)

Note:By EJ analysis we refer to any procedures applied during the permitting process, regardless of whether they are called EJ, that consider demographics (race, income, nationality, etc.), cumulative effects, (burden, exposure, risk), comparative effects or modifications to the public involvement processes to address unique characteristics of the project.

Y N 1.Do you consider EJ issues during the permitting process? If yes, please provide a description of the criteria, guidelines, or screening procedures used to address EJ issues.

Y N 2.Regarding section 173(a)(5) of the Clean Air Act, do you conduct an alternatives analysis as part of your nonattainment area permitting process? If yes, please provide a description of the EJ criteria or guidelines used for this analysis.

Y N 3.Regarding section 165(a)(2) of the Clean Air Act, does your NSR permitting program and public comment process for PSD regulated pollutants provide for consideration of alternatives?

4.How are the demographics of the affected community taken into account in the permitting process?

5. How are cumulative effects and/or pre-existing burden addressed in the permitting process?

6. What additional community information and/or demographics (for example - children, the elderly) do you consider important for an EJ analysis?

Y N 7. Do you allow public involvement during an EJ analysis? If yes,

a. What stakeholder groups do you try to involve?

b. At what point in the EJ analysis or permitting process do stakeholders become involved?

c. To what degree and in what manner do stakeholders or the community influence the permit decision making process?

d. To what degree do you know about how stakeholders or

the affected community participated in the permit decision making process?

e. Describe how you make information available to stakeholders and the affected community. (For example - translation of information, understandable and accessible materials, personal contacts, clearly explained technical information including potential risk, distribution of information, public meetings, etc.)

Y N 8. In the EJ analysis, do you consider direct and indirect benefits and burdens from the proposed actions? If yes,

a. Describe what benefits you consider in the EJ analysis. (For example - economic, social, cultural, health, environmental, etc.)

b. Describe what burdens you consider in the EJ analysis. (For example - economic, social, cultural, health, environmental, etc.)

Y N 9.In the EJ analysis, do you consider comparative and disproportionate impacts? If yes,

a. Describe the criteria or procedures used to determine any potential or actual adverse health or environmental effects or impacts.

b. Describe the criteria or procedures used to determine whether evidence exists to describe these effects or impacts.

c. Describe the criteria or procedures used to determine whether the proposed project complies with all applicable environmental laws.

VI. Program Staffing and Training Issues

1. What is the total number of staff dedicated to permitting for your NSR program? Please provide an organizational chart.

19.5. There are 19.5 positions tied to it. And with time logged in.

2. For your NSR program please breakdown the staff into the different job functions (e.g., number of modelers, review engineers, technicians, environmental scientists, clerical, supervisory, enforcement).

9 permit writers, 3 modelers, 1 supervisor, 1 program assistant, 5 compliance related staff for major and minor – complete NSR program.

3.Please describe your training program for new and existing staff who work on NSR permitting and issues. List

any materials you use or training course you try to attend.

4. Describe any additional training that you believe would be beneficial. Would you like for EPA to provide more NSR training? **NSR Reform, AERMOD, General EPA provided BACT training**.

Y N ✠ 6. Do you provide NSR program training opportunities for the public, including the regulated community? If yes, please describe.

VII. General NSR Program Issues

Y ✠ N 1.Do you implement EPA issued program guidance and policy for NSR? In no, please explain.

Y N 2.In general, how do you learn about federal NSR rule changes? Do you use EPA's TTN website at www.epa.gov/ttn to monitor NSR program changes and implementation issues?
Region 5, though STAPPA and ALAPCO are bigger help.

3.How do you determine if emissions factors (e.g., AP-42)are acceptable for NSR applicability purposes? **Usually accept and default to AP-42 unless facility has proof that they have more effective calculations, and if there is further uncertainty a test may be required.**

4.Please provide any comments, suggestions, or concerns you may have regarding the NSR program.

5.Please provide the number of non-major permits you issued last year, not counting renewals.

6. How many PSD permits did you issue last year?

7.How many nonattainment NSR permits did you issue last year? Since 1990?

8. For PSD permits what is the average time (months) taken by you to issue the permit, starting from the time the application was determined complete? For nonattainment NSR permits?

Power companies = 8 months to 1 year
All others = 3 months

Y ✠ N 9.Do you have a formal procedure for establishing past permit violations related to NSR requirements?
Through compliance program, compliance reports, etc.

Y N ✠10.Do you have a formal procedure for dealing with "self reported" NSR violations? **Passing it on to enforcement.**

Y ✠ N 11.Do you have formal enforcement procedures for dealing with past violations of NSR requirements, including applicable BACT or LAER requirements of major NSR?

Pass it on to enforcement.

Y ✠ N 12.Do you include PM10 condensible emissions in the total amount of PM10 emissions when determining PSD applicability, BACT, PSD increment, and NAAQS?

Y ✠ N 13.When PM10 testing is required do you include a permit condition that requires testing and specifies testing methods for PM10 condensibles?"

VIII. Effective Construction Permits

Do your construction permits:

Y ✠ N 1.Identify each emissions unit regulated?

Y ✠ N 2.Establish emissions standards or other operational limits that must be met, including appropriate averaging times for numeric limits?

Y ✠ N 3.Include specific methods for determining compliance and excess emissions, including reporting, record keeping, monitoring, and testing requirements?

Y ✠ N 4.Outline procedures necessary to maintain continuous compliance with emission limits?

Y ✠ N 5.Establish specific, clear, concise, and enforceable permit conditions?

Y ✠ N 6.Include conditions necessary for a source to avoid otherwise applicable requirements (e.g., keeping a modification “minor”)?